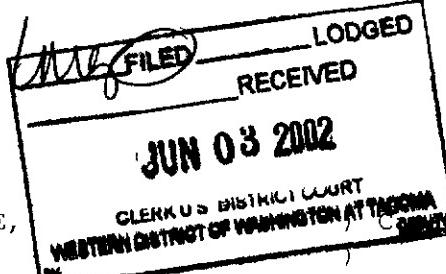


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA



**RECEIVED**

MAY 31 2002

OFFICE OF THE ATTORNEY GENERAL  
LABOR & PERSONNEL DIVISION

KATHLEEN M. HOUSE, CLERK U.S. DISTRICT COURT FOR WASHINGTON AT THE CIRCUIT NO. NO C98-5262

Plaintiff, ) AFFIDAVIT IN SUPPORT OF PLAINTIFF'S  
              ) MOTION FOR CONTINUANCE OF DISCOVERY  
              )  
              )  
STATE DEPARTMENT OF FISH )  
              )  
              )  
E, AND THE STATE OF )  
              )  
              )  
              )  
              )  
Defendant )  
              )

THIS INSTRUMENT HEREBY ACKNOWLEDGES that the undersigned, Kathleen M House, is of legal age, and does hereby swear and affirm that the following is true and accurate, to the best of her knowledge, under penalty of perjury

That I am the plaintiff in the above-named case and make this affidavit in support of the attached motion for continuance of discovery

## EFFECT LOSS OF INCOME ON ABILITY TO PROSECUTE

As a consequence of opposition to acts by the State of Washington illegal under federal and state law, I have been deprived of my career, my health, my car, medical care and any means of adequately supporting myself. Most importantly, I have been deprived of the self-respect and agency that comes from being able to support myself and to be paid well for



1 work that is recognized as skilled and valuable These losses have had great  
2 impact on my ability to timely pursue this case. I no longer have the home in  
3 which my computer, printer and case files were available to me A month ago,  
4 the lack of work sufficient to pay the basic necessities of rent, food,  
5 utilities, and telephone service forced me to be evicted from my home of six  
6 years When I first moved there in July of 1996, the rent was slightly over  
7 a quarter of my net income As a result of losing all employment in my  
8 profession, that proportion grew to over a hundred percent Almost all of my  
9 possessions, including the majority of the documents in my possession  
10 relevant to this case, are in storage and unavailable to me when needed  
11 because I have no transportation I am unable to pay for housing for myself  
12 and am now dependant on charity for this I have spent most of the last four  
13 months in efforts to find adequate work and affordable shelter

14 The devastating effect on a person's morale, sense of agency and self-  
15 respect of losing one's means of making a living should need no explanation

## EFFORTS AT FINDING WORK

## 1 Professional work

I have diligently searched for work in the years since 1997. The  
19 facts concerning the failure of the State of Washington to obey federal,  
20 state and its own Merit System laws in rehiring me as a computer professional  
21 are documented in the Motion for Injunctive Relief I filed in the instant  
22 case in 1999. In applying for professional positions outside the State of  
23 Washington, I most commonly encountered two obstacles 1 a cessation of  
24 interest by the prospective employer after I had given them a resume that  
25 included the State of Washington as my most recent employer in the computer

1 field and after they had had time to contact the my former employers within  
2 State of Washington, and 2 the illegal requirement that the applicant waive  
3 state and federal rights as to retaliation by former employers in order to be  
4 considered as a candidate for the position.

## 2 Unskilled work

Because the State of Washington is as uninterested in enforcing equal opportunity laws in the private sector as it is in obeying such laws itself, I have been unable to find adequate work in fields outside my profession. Lack of transportation has necessarily limited my search for unskilled work to Olympia. Unskilled jobs in Olympia are segregated by gender: women overwhelmingly staff the lowest paid, most tedious and most dead-end jobs in Olympia. These jobs typically do not pay enough to support a person. More highly paid entry level and unskilled labor jobs in Olympia are staffed overwhelmingly by men. I was told at many job sites and when inquiring over the phone about advertised manual labor jobs that women were not hired for these positions. In some instances, experience was a requirement for women, but not for men. In positions for which I was hired after great persistence on my part, I earned the respect of the men in these jobs by working as well and as hard as they did, but was not kept on after being told, either by supervisors themselves or by coworkers, that management did not want women in these positions. In other instances, employers denied that positions advertised in the Sunday paper were open the following Monday when the employer was able to identify my gender by my voice over the phone. These positions were advertised again in subsequent issues of the newspaper as being open. When applying for light industrial work at temporary agencies in Olympia, I was invariably told to apply for clerical positions only.

1           The very openness of employers in stating discriminatory reasons for  
2 not hiring women showed that Olympia employers did not fear enforcement of  
3 state and federal equal opportunity laws. Intake personnel at the Washington  
4 State Human Rights Commission told me that no one had ever complained before  
5 about job discrimination in manual labor in Olympia before, that they had not  
6 noticed any job segregation in the manual labor market, that in any case,  
7 I was required to file a complaint in which my name would be known to the  
8 employer in order to have any complaint investigated, that they  
9 could offer no protection against my being blacklisted as a result of  
10 filing a complaint, that such practice was a common result, that further  
11 legislation would be needed to make existing state laws enforceable, and  
12 finally, erroneously told me that there were no laws prohibiting retaliation  
13 for protesting acts prohibited under the Washington State Human Rights  
14 statutes   The intake process at the Human Rights Commission permits this  
15 discouragement of workers because a complainant must be interviewed by an  
16 intake person from the Commission as a first step in filing a complaint   As  
17 this part of the process is entirely verbal, no means exist of holding Human  
18 Rights Commission personnel accountable for what they tell complainants  
19 Complainants who attempt to file a written complaint are prevented from doing  
20 so, and in attempting to do so are treated with extreme and open discourtesy  
21 by Commission employees   Any complaint submitted in writing over these  
22 obstacles would almost certainly not be investigated in good faith  
23 Conditions for workers attempting to file complaints with the Washington  
24 State Human Rights Commission mirror those I encountered at the Seattle  
25 office of the Equal Employment Opportunity Commission and documented in my

1 Motion for Appointment of Counsel filed in 1999 The means and motives  
2 for discouraging workers with valid complaints are the same for both  
3 organizations lack of accountability for primary contact personnel, a lack  
4 of commitment to the legislative goals that created the agencies,  
5 insufficient resources to attain agency goals, inadequately trained staff and  
6 a workload so overwhelming as to make clearing complaints by any means  
7 possible the agency priority

8 DETERRENT EFFECTS OF COURT DECISIONS

9  
10 Actions of this court in this and the related discrimination case, C97-  
11 5708, have made it appear increasingly futile to continue to prosecute this  
12 case Insurmountable difficulties have been created by a lack of counsel,  
13 lack of access to defendants' documents critical to the outcome of this case,  
14 and the lack of means to transcribe critical evidence in my possession. In  
15 addition, the course of these cases has shown that safeguards fundamental to  
16 the integrity of the legal process may not be relied upon Such safeguards  
17 included the principle of stare decisis, rules of evidence and the laws of  
18 perjury In the related discrimination case, C97-5708, a motion to compel  
19 critical, routinely discovered documents was denied in an order based on an  
20 8<sup>th</sup> Circuit case This case was cited as controlling precedent where it was  
21 apparent the defendants had intentionally mis-cited the case to this circuit  
22 The order was affirmed without comment by the 9<sup>th</sup> Circuit court in an  
23 unpublished decision The many published 9<sup>th</sup> Circuit decisions that support  
24 this and the previous action are of no use when the principle of stare  
25 decisis may be so lightly set aside

A critical subpoena request for C97-5708 was denied on the grounds that

1 I should have first filed a motion to compel the documents from the  
2 defendant. The defendants refused, without specificity, to provide documents  
3 in their control that were named in the subpoena request. My subsequent  
4 motion to compel these documents from the defendants was denied. The hearing  
5 for this motion was cancelled and the motion denied because the Washington  
6 State Attorney General's office used its ability to supersede Federal  
7 certified mail procedures to falsely state that it was not served. Although  
8 I provided the certificate of mailing showing that I had timely served the  
9 defendants and evidence showing the State's Attorney General's office ability  
10 to falsely record the date on which it received certified mail, this was  
11 disregarded by the court. The subpoena request itself was denied based  
12 on a false statement by the defendants of the date of the denial. I appealed  
13. This was directly contradicted by the court-recorded date of the order  
14 denying the subpoena request and by my appeal of that request. All of these  
15 facts were before the court when the appeal of the motion to compel and the  
16 subpoena requests were denied. Again, the 9<sup>th</sup> Circuit Court of Appeals  
17 confirmed these denials without comment. When clear evidence such as this  
18 has no value, any evidence I submit may be of no use.

19  
20 Defendants Jim Eby, Tom Owens, Penny Cusick and Sandra Turner committed  
21 perjury in sworn documents submitted to this court and to the EEOC. In  
22 C97-5708, this was particularly evident in Jim Eby's and Tom Owen's  
23 deposition attachments to the motion for summary judgment, in Penny Cusick's  
24 affidavit supporting denial of discovery, and in Sandra Turner's submission  
25 of falsified documents to the EEOC, and her subsequent statement to this  
court that the most obviously perjured page of documents had become "lost".

1 This felony crime carried no penalty for the defendants whatsoever; instead,  
2 their unsupported statements as to departmental procedures were granted  
3 sufficient credence to dismiss C97-5708 without trial. Where unsupported  
4 statements from perjured affiants are accepted as dispositive evidence,  
5 defendants' incentive to lie remains as it was from the beginning. To  
6 protect agents of the State of Washington from the consequences of their  
7 illegal acts There is no disincentive, as perjury committed in civil cases  
8 is not prosecuted

9         The most egregious violation of perjury law has been in this case, by  
10 the State Attorney General's office Sharon Kozar, a paralegal for that  
11 office, submitted a perjured affidavit in the instant case over Assistant  
12 Attorney General Stewart Johnston's signature. This is subornation of  
13 perjury, ostensibly one of the most serious violations of the laws of  
14 perjury. Sharon Kozar also made false statements in C97-5708 that she  
15 had left certain documents at my residence. Stewart Johnston was not alone  
16 in this cynical use of a female subordinate in a support staff position to  
17 assume the risk of penalties for obstruction of justice. Sandra Turner,  
18 the sole African American female employee in the Olympia Wildlife personnel  
19 division, was responsible for the submission under oath of altered documents  
20 and false statements made by Jim Eby and Chris Ringo, among others. She was  
21 the defendants' designated respondent to discovery requests and was also  
22 nominally responsible for over five months of obstruction of my 1999 request  
23 to correct retaliatory actions concerning my personnel file. Any intentional  
24 obstruction of discovery could be attributed to her alone, other obstruction  
25 could be attributed to her incapacity, as she had repeatedly admitted her  
lack of any computer skills and had no other particular qualifications for

1 the duty of respondent Although Penny Cusick willingly embraced the role of  
2 perjurer in this case as early as 1995, and although her promotion from  
3 Personnel Officer to head of the agency's personnel division may somewhat  
4 compensate her for the risks involved, the beneficiaries of her actions have  
5 been male employees of the agency Whatever her personal inclinations, as an  
6 employee of a support unit, she retains the vulnerability shown in her  
7 statement to a former subordinate that to retain her health insurance and  
8 her income, she would do anything the department asked of her. Karen  
9 Dickerson testified to Ms Cusick's making this statement in response to Ms  
10 Dickerson's voicing concern over unethical acts by Ms. Cusick in a deposition  
11 I took in 1998

12 Two other series of decisions by this court have made prosecuting this  
13 case appear increasingly futile the denial of appointment of counsel,  
14 including the court's failure to regulate the acts of attorneys selected by  
15 the pro bono panel, and the consequent denial of funds necessary for me to  
16 bring deposition and hearing evidence into court. The necessity of counsel  
17 and subsequent failure of attorneys to abide by court directives have been  
18 documented in the motions concerning this matter filed in the instant case  
19 As a result of the State's forcing me into extreme poverty, I cannot afford  
20 transcription of six depositions I took in 1998 The State Personnel Board  
21 of Appeals refused to provide a written transcription of either hearing  
22 connected with this case. I cannot afford transcriptions of these hearings  
23 I therefore have no means of bringing evidence into court comparable to  
24 depositions paid for at state expense and made either by agents of the  
25 defendants or by employees whose jobs are at the disposal of the defendant

1  
2                   CONCLUSION  
3

4     Since the minute order was issued in this case in November of 2001, I  
5     have had to contend with the loss of work adequate to support and house  
6     myself, with being forced from my home and made to depend on charity, and  
7     with the apparent increasing futility of continuing to pursue this case. All  
8     of this has made it insurmountably difficult to write the motions necessary  
9     to compel evidence from the defendants. Further discovery is necessary  
10    because the direct evidence of my depositions and the Personnel Appeals Board  
11    hearings is not available to me, because the defendants refused to comply  
12    with the initial discovery requests made in this case and because of the  
13    apparently nugatory value of the documentary evidence in my possession.

14    For these reasons, I respectfully request that the court grant an  
15    extension of the deadline for discovery cutoff, originally June 3<sup>rd</sup>, 2002

16                   Dated May 31, 2002  
17

18                     
19                   KATHLEEN HOUSE, PRO SE

20                   Statement of Service  
21

22    I certify that I have served a copy of the attached  
23    Motion for Continuance of Discovery  
24    and supporting affidavit  
25    on defendant's attorney by leaving same at defendant's  
   office at 905 Plum Street, SE, Building 3, Olympia,  
   Washington or by mailing same via first-class mail to  
   905 Plum Street, SE, Building 3, P O. Box 40145,  
   Olympia, Washington 98504-0145 on May 31, 2002

26                     
27                   Kathleen M. House